

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

ROBERT J CAVES,

Plaintiff,

vs.

MATHEW ZELLERS,

Defendant.

CV 24-156-BLG-TJC

**ORDER**

On February 13, 2025, Defendant filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. 5.) Subsequently, on February 26, 2025, Plaintiff filed an Amended Complaint (Doc. 9), which moots Defendant's motion. *Ramirez v. City of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Accordingly, Defendant's Motion to Dismiss (Doc. 5) is **DENIED as moot**.

DATED this 26th day of February, 2025.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge